

REMARKS

Claim 1 has been amended to include portions of claim 2. Claim 2 was rejected under Section 102 based on Maimon. However, Maimon does not teach forming the insulating material "in the cup-shaped phase change material." The way the material is formed in Figure 13 there is no way to form anything in the chalcogenide material. If anything, the material 184 is formed in the pore, but it is not formed in the chalcogenide material.

Therefore, reconsideration is requested.

Claim 37 was rejected under Section 102 based on Maimon. However, claim 37 calls for forming the lower electrode and the protective layer over the lower electrode in the same deposition chamber without venting back to atmosphere. There is no suggestion of using the same deposition chamber without venting back to atmosphere. The asserted lower electrode, which is apparently the combination of the materials 150 and 134, are formed, as shown in Figures 7 and 8, by depositing the layer 130 and then using chemical mechanical planarization. Thereafter, the layer 150 is deposited onto the top surface of the structure shown in Figure 8. In between, the material 140 was deposited. There is no suggestion that all of these different steps were done in the same deposition chamber without venting back to atmosphere.

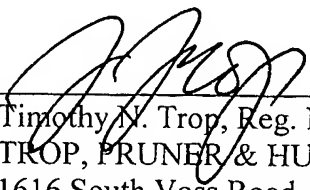
Therefore, reconsideration is requested.

Claim 44 has been amended to include the subject matter of claim 45. Claim 45 was rejected over the combination of Maimon in view of Ovshinsky. However, pursuant to Section 103, the present application and the reference to Maimon were, at the time the invention was made, owned by or subject to an obligation of assignment to the same entity.

Therefore, reconsideration of the rejection is respectfully requested.

Respectfully submitted,

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